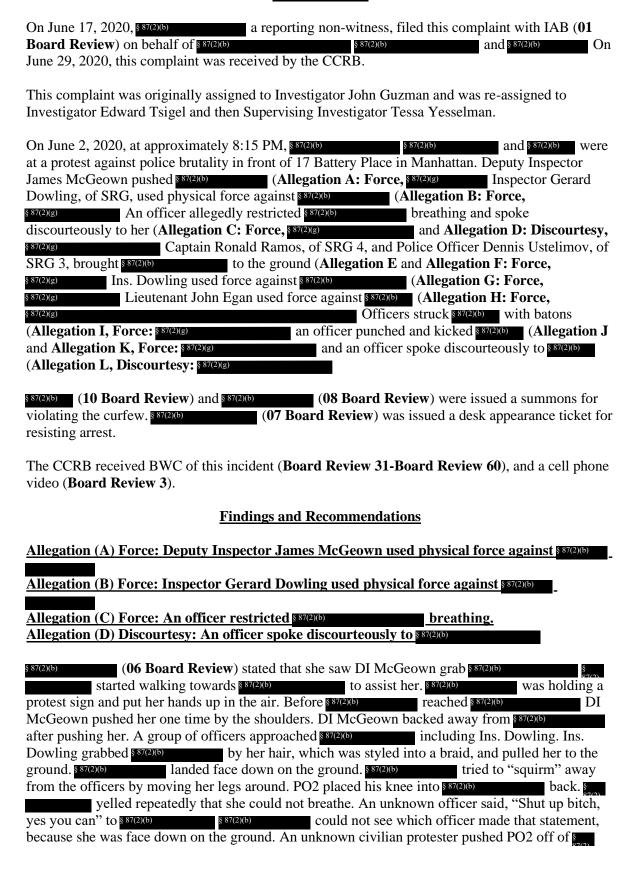
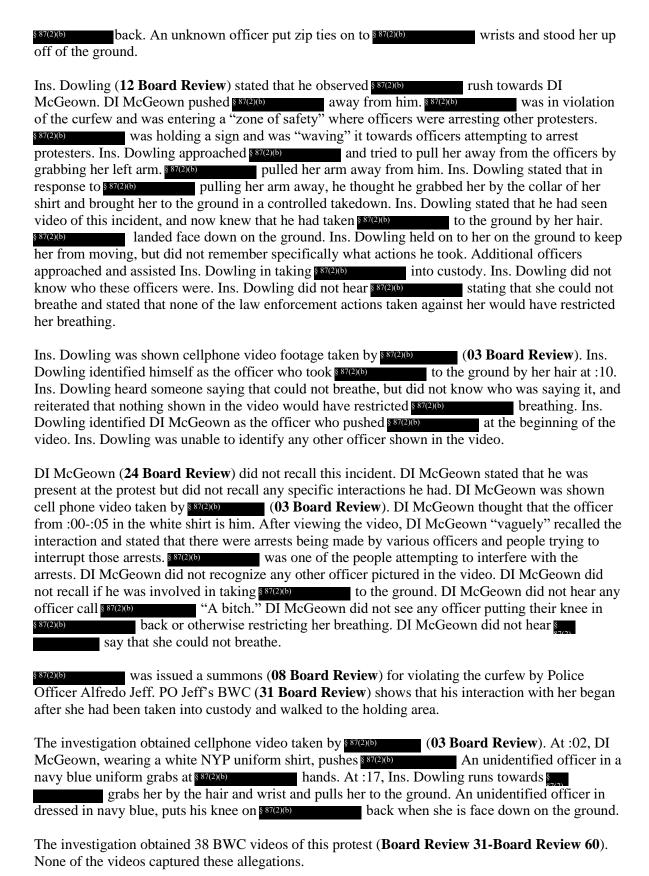
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	V	Force	<b>V</b>	Discourt.	☐ U.S.
Tessa Yesselman		Squad #04	202004684	$\prod_{i=1}^{n}$	Abuse	П	O.L.	Injury
		1						
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	EO SOL
Tuesday, 06/02/2020 8:15 PM		In front of 17 Battery P	lace		01	13	2/2/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Reco	eived at CCI	₹B
Wed, 06/17/2020 7:30 PM		IAB	E-mail		Mon, 06/2	9/202	0 11:30 AN	Л
Complainant/Victim	Туре	Home Addre	ss					
Witness(es)		Home Addre	ss					_
Subject Officer(s)	Shield	TaxID	Command					
1. Officers								
2. CPT Ronald Ramos	00000	935562	SRG 4					
3. POM Dennis Ustelimov	13541	957238	SRG 3					
4. INS Gerard Dowling	00000	915640	SRG					
5. DI James Mcgeown	00000	889041	SRG					
6. LT John Egan	00000	930093	SRG 4					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. SGT Matthew Manley	4336	949249	SRG 3					
2. POM Alfredo Jeff	29583	954975	SRG 3					
3. SGT Kieran Higgins	971	941903	SRG 5					
4. LT Peter Sotiriou	00000	924515	SRG 3					
5. POF Alexis Martinez	18168	953056	SRG 4					
6. POM Edward Mendez	00689	933017	SRG 1					
7. POM Yefersson Salasmartinez	15419	957123	SRG 1					
8. SGT Joseph Deallaume	01412	921057	SRG 2					
9. POM Allen Rice	09254	944933	SRG 3					
10. SGT David Lamarre	03547	947929	SRG 3					
11. SGT Catherine Kunst	01788	943284	SRG 4					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A.DI James Mcgeown		eputy Inspector James M inst § 87(2)(b)	Icgeown used physi	cal				
B.INS Gerard Dowling		erard Dowling used phy	sical force against	37(2)(ъ	)			
C.CPT Ronald Ramos	Force: Ro	onald Ramos used physi	cal force against § 870	2)(b)				

Officer(s)	Allegation	Investigator Recommendation
D.POM Dennis Ustelimov	Force: Police Officer Dennis Ustelimov used physical force against § 87(2)(b)	
E.INS Gerard Dowling	Force: Inspector Gerard Dowling used physical force against § 87(2)(b)	
F.LT John Egan	Force: Lieutenant John Egan used physical force against § 87(2)(b)	
G. Officers	Force: Officers struck § 87(2)(6) with a baton.	
H. Officers	Force: Officers used physical force against §87(2)(b)	
I. Officers	Discourtesy: Officers spoke discourteously to \$87(2)(b)	

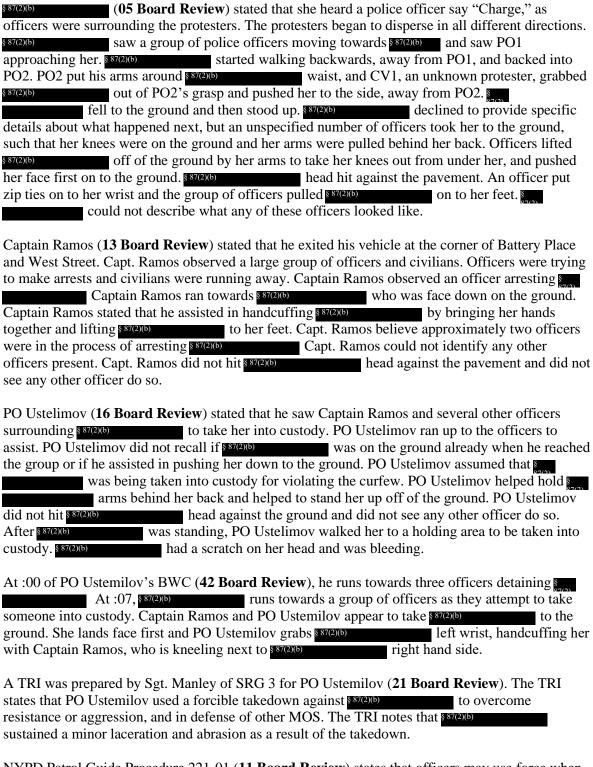
## **Case Summary**





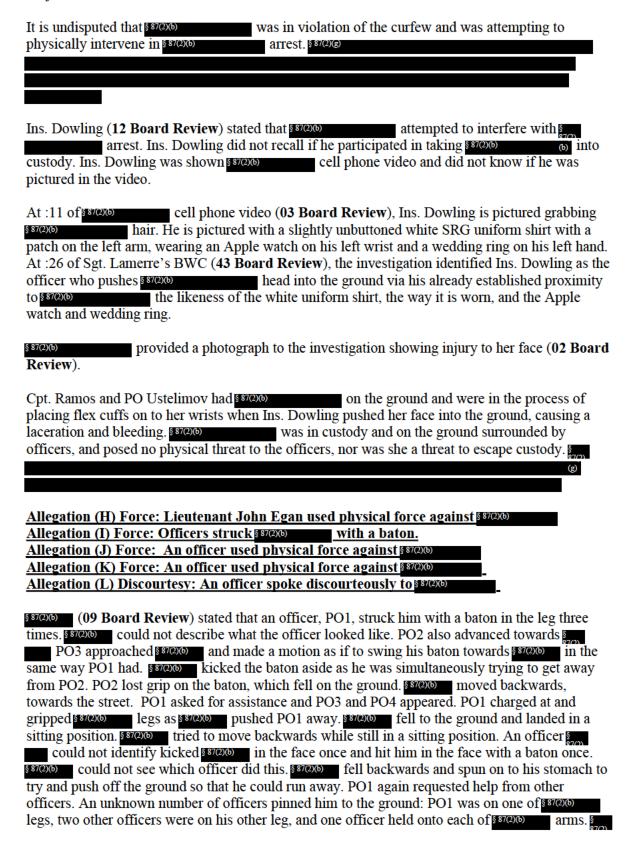
CCRB Case # 202004684

Requests made by the CCRB to the NYPD for a medical treatment of prisoner form (18 Board Review) and TRI (22 Board Review) for \$87(2)(6) returned negative results. Officers from SRG 2, 4, 5, and 5 (Board Review 61-Board Review 63) were present at this incident. The roll call for Patrol Borough Manhattan South showed that the command had 20 officers assigned to protest details on the date of the incident. The Mass Arrest Processing Center (MAPC) (10 Board Review) shows that on June 2, 2020, into the early morning hours of June 3, 2020, 254 civilians were brought into custody. The CCRB has six additional cases § 87(2)(b) stemming from the same protest at West Street in Manhattan. The CCRB interviewed multiple supervisors who were involved in this protest. Inspector Gerard Dowling (12 Board Review), Deputy Inspector James McGeown (Interviewed for case# \$870)(6) Inspector Ronald Zedalis (Interviewed for case# \$87(2)(6) Captain Ronald Ramos (13 Board Review), Lieutenant William Buchanan (Interviewed for case# \$87000) Lieutenant Michael Jennings (Interviewed for case#§87(2)(6) were all present during this protest and all stated that they did not issue any instructions to officers regarding making arrests or issuing summonses if a civilian violated the 8:00 PM curfew during the protest. NYPD Patrol Guide Procedure 221-01 (11 Board Review) states that officers may use force when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise to protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. In determining whether the use of force is reasonable, members of the service should consider several factors including the nature and severity of the crime/circumstance and the actions taken by the subject. It is undisputed that § 87(2)(6) was attempting to intervene in § 87(2)(6) arrest. It is undisputed that Ins. Dowling grabbed and pulled \$3000 by the hair. Ins. Dowling stated that he did so unintentionally and meant to grab the collar of \$87(2)(6) was violating the city mandated curfew and was attempting to undisputed that § 87(2)(6) intervene in \$8/(2)(6) arrest. § 87(2)(g) Allegation (E) Force: Captain Ronald Ramos used physical force against Allegation (F) Force: Police Officer Dennis Ustelimov used physical force against [87(2)6) Allegation (G) Force: Inspector Gerard Dowling used physical force against \$87(2)(6)



NYPD Patrol Guide Procedure 221-01 (11 Board Review) states that officers may use force when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise to protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. In determining whether the use of force is reasonable, members of the service should consider several factors including the nature and severity of the crime/circumstance and the actions taken by the

subject.



Sgt. Higgins (14 Board Review) stated that he observed stricks jump onto Lt. Egan's back. and Lt. Egan fell to the ground. Approximately three officers approached Lt. Egan and struggled with stricks. Sgt. Higgins did not know who these officers were and stated that all he remembered is that they were not from his command. Sgt. Higgins did not recall how the officers were struggling with stricks on the ground. Sgt. Higgins approached the group, grabbed one of stricks arms, and put it behind stricks back. Sgt. Higgins asked to stricks to put his other hand behind his back. Sgt. Higgins placed stricks in metal handcuffs. Sgt. Higgins did not recall using any profanity throughout the incident. Sgt. Higgins did not kick stricks in the face or see any officer kick him in the face. Sgt. Higgins did not strike stricks with a baton and did not see any officers strike him with a baton. Sgt. Higgins observed stricks after he was handcuffed and did not have any further interaction with him.

could not move at this point and could not make out which officers were on holding him down.

PO5 struck \$87(2)(6) twice with a baton, on his ribs and the back of his neck.

The investigation showed Sgt. Higgins' his BWC (**64 Board Review**) from the beginning of the footage through 5:00. Sgt. Higgins stated he did not recognize any officers. At 2:30, Sgt. Higgins did not know who said, "Turn the fuck over." Sgt. Higgins thought that he might be the officer yelling "handcuffs." Sgt. Higgins stated he did not know which officer said, "Get the fuck down." The investigation showed Sgt. Higgins IA 238's screenshot of Sgt. Lamarre's BWC. Sgt. Higgins did not recognize any officers.

At 2:33 of Sgt. Higgins' BWC (**64 Board Review**), an unknown officer says, "Let's go." Officers advance on protestors, breaking their line. At 2:34, an officer is holding onto the back of an individual who appears to be \$\frac{87(2)(b)}{2} \text{ walks into this officer and makes physical contact, though it is unclear what exactly \$\frac{87(2)(b)}{2} \text{ does. Sgt. Higgins walks to \$\frac{87(2)(b)}{2} \text{ who is taken down by an unknown amount of officers. \$\frac{87(2)(b)}{2} \text{ is moving on the ground, and pushed from a sitting position by an unknown officer on to his back. At 2:49, an unknown officer strikes \$\frac{87(2)(b)}{2} \text{ twice with a baton in an off-camera location, in the area of his torso. At 2:53, Sgt. Higgins picks up a baton from the ground. At 2:57, an officer says, "Turn over, turn over, turn the fuck over."

Officers turn \$\frac{87(2)(b)}{2}\$ so that he is face down on the ground. Between 3:04 and 3:07, an unknown officer kneeling adjacent to \$\frac{87(2)(b)}{2}\$ head, thrusts his baton towards \$\frac{87(2)(b)}{2}\$ but it is unclear where the baton makes contact. At 3:10, an unknown officer says, "Get the fuck down, get the fuck down." An unknown officer is sitting on top of \$\frac{87(2)(b)}{2}\$ torso.

Lt. Egan was not interviewed by the investigation. Lt. Egan was out sick on modified duty from June 2021 until December 2021. The investigation scheduled Lt. Egan for an interview for December 9, 2021. Lt. Egan did not appear for his scheduled interview because of a scheduling conflict with another court appointment. Lt. Egan was placed back on sick leave and remains inactive and assigned to Medical District 10 as of March 2022.

The CCRB received negative results for a TRI (**20 Board Review**) and MTPR (**17 Board Review**) for \$87(2)(6)

§ 87(2)(g)			

**Civilian and Officer CCRB Histories** 

- This is the first CCRB complaint to which sage has been a party (25 Board Review).
- This is the first CCRB complaint to which Review).
- This is the first CCRB complaint to which [887(2)(b)] has been a party (29 Board Review).
- Ins. Dowling has been a member-of-service for 26 years and has been a subject in 5 CCRB complaints and 14 allegations, none of which were substantiated.
- DI McGeown has been a member-of-service for 36 years and has been a subject in 6 CCRB
  cases and 11 allegations, none of which were substantiated.
- PO Ustelimov has been a member-of-service for seven years and this is the first CCRB complaint to which he has been a subject.
- Lt. Egan has been a member-of-service for 19 years and has been a subject in 12 CCRB cases and 17 allegations, none of which were substantiated.
- Cpt. Ramos has been a member-of-service for 14 years and has been a subject in 5 CCRB complaints and 14 allegations, of which one was substantiated.
  - o CCRB case 202003717 involves a substantiated complaint of use of pepper spray. The Board recommended command discipline and the NYPD's decision is pending.

## Mediation, Civil, and Criminal Histories

	Mediation,	CIVII, and Criminal Histories	
<ul> <li>As of January of Claim bein</li> </ul>	ng filed in regards this to	ediation.  City Office of the Comptroller ha complaint. [87(2)(6)] the computation as	lainant in this case,
[§ 87(2)(b)] [§§ 86(1)(3)	&(4)] [§ 87(2)(c)]		
Squad: 4			
Investigator: T	Tessa Yesselman	SI Tessa Yesselman	3/10/2022
-	Signature	Print Title & Name	Date
Squad Leader	Raquel Velasquez	IM Raquel Velasquez	3/10/2022
Squad Deader	Signature	Print Title & Name	Date
<b>.</b>			
Reviewer:	Signature	Print Title & Name	 Date